

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

JESSIE JAMES ASKEW, JR.,

Petitioner,

v.

FRED BURNETTE, Warden,

Respondent.

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CIVIL ACTION NO. 5:13-CV-55 (MTT)

ORDER

Before the Court is the Recommendation of Magistrate Judge Stephen Hyles. (Doc. 14). The Magistrate Judge recommends granting the Respondent's motion to dismiss (Doc. 7) because the Petitioner did not file his 28 U.S.C. § 2254 petition within the one-year period of limitations and failed to establish entitlement to equitable tolling.

The Petitioner did not object to the Recommendation. The Court has reviewed the Recommendation, and the Recommendation is **ADOPTED** and made the **ORDER** of this Court. The Petitioner's petition is untimely. Further, the Petitioner has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2).

Therefore, the Respondent's motion to dismiss is **GRANTED**, and a certificate of appealability is **DENIED**.

SO ORDERED, this 28th day of April, 2014.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT